## Nadler Addresses 9/11 Health Concerns on House Floor

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WASHINGTON, D.C. – Congressman Jerrold Nadler (NY-08), whose New York City district includes Ground Zero, today addressed the need for expanded health benefits and coverage and a greater federal role in helping the victims of 9/11-related health problems in a " special order" floor speech. His full statement is as follows:

"Mr. Speaker, I yield myself such time as I may consume.

"Mr. Speaker, one week ago today, we marked the sixth anniversary of the tragic events of September 11, 2001. I appreciate the opportunity to speak today about an issue that faces not just my district, where the attack on the United States occurred, where the World Trade Center once stood, but our entire Nation.

" I am honored to be here today to support legislation sponsored by Carolyn Maloney and myself and others. Carolyn has been such a strong advocate for the living victims of 9/11.

" I also want to thank Chairmen George Miller and Frank Pallone for the recent hearings they have held on this issue, one last week and one earlier today.

&Idquo; I am pleased to announce that yesterday, along with Congresswoman Maloney and others, I introduced essential new legislation that would ensure that everyone exposed to World Trade Center toxins, no matter where they live now or in the future, would have a right to high-quality medical monitoring and treatment and access to a reopened victim compensation fund for their losses.

" Whether you are a first responder who toiled without proper protection, who came to help in the rescue and recovery from New York, from elsewhere in New York or from elsewhere in the country, or whether you're an area resident worker or student who was caught in the plume, or subject to ongoing indoor contamination, if you were harmed by the environmental effects of 9/11, you would be eligible.

" This bill builds on the best ideas brought to Congress thus far, and on the infrastructure already in place providing critical treatment and monitoring.

"Mr. Speaker, when the World Trade Center collapsed on September 11, 2001, the towers sent up a plume of poisonous dust that blanketed Lower Manhattan and parts of Brooklyn, Queens, and New Jersey. A toxic cloud of lead, dioxin, asbestos, mercury, Benzene, PCBs, PAHs and other hazardous contaminants swirled around the site and around Lower Manhattan and Brooklyn and Jersey City as rescue workers labored furiously in the wreckage, many without adequate protective gear. Thousands of first responders inhaled this poisonous dust before it settled onto and into countless homes, shops and office buildings where it remains to this day.

"Mr. Speaker, I've always said that there were two cover ups conducted here, two cover ups conducted by the administration. The first cover up was that the air was okay, that no one would get sick from the exposure to World Trade Center dust at or near Ground Zero. The administration denied the air was toxic and insisted that no one would get sick. They lied deliberately to the American people, to the people of New York, to the first responders. They said the air was safe, when they had test results saying it was toxic. As a result, tests at Mt. Sinai Hospital published in a peer reviewed medical study just about a year ago revealed that of the 10,000 first responders tested, over 70 percent suffer

from lung disease at this point, or at least as of last year. We have seen this in test after test and study after study. All the literature goes in the same direction. Thousands of people are sick who need not have been sick. Thousands of people are sick because the administration lied, and because OSHA failed to do its job.

"Mr. Speaker, there was air pollution at the site of the Pentagon attack on this country also. But OSHA, the Occupational Safety and Health Administration, enforced the law. Nobody was permitted to work on the site without wearing proper respiratory protective gear, as the law demands.

&Idquo;Mr. Speaker, nobody is suffering lung damage or respiratory disease today as a result of participating in the rescue and recovery efforts at the Pentagon. But in Lower Manhattan, somebody made a deliberate decision not to enforce the occupational safety and health laws. OSHA did not enforce the laws. People were permitted on the site without respirators. Indeed, public officials went to the site and wore only masks, paper masks, which were worse than useless, we are told by the scientists. Many workers worked without respirators. Many workers had no access to respirators. Police officers have testified they had no access to respirators.

" Many workers who did have access to respirators believed the assurances they got that the air was safe and didn't use the respirators because they got in the way of the work. The result is, thousands of people are sick and some are dead, unnecessarily, as a result of the malfeasance, the deliberate malfeasance of the Federal Government.

&Idquo;Mr. Speaker, two things establish a moral obligation on the Federal Government. One, the people who were hurt, the people who are sick as a result of participating in the clean up, the people who are sick as a result of living in Lower Manhattan or working in Lower Manhattan, the government workers who returned to government offices in the Securities and Exchange Commission or other government agencies and worked there before the buildings had been cleaned and are now sick as a result, are sick for two reasons. They are sick because of the terrorist attack on this country, and they are sick because their government lied to them and urged people to go back into unsafe environments and told people things were safe when they weren't.

&Idquo; We owe, the Federal Government owes a moral debt to all these victims. Because they are victims of a terrorist attack on this country, the words of Abraham Lincoln apply. Abraham Lincoln said that it is the duty of all of us to care for him who shall have borne the battle. The people who are sick today with deadly illnesses, with long-term illnesses, are just as much victims of the terrorists as those 3,000 people who were killed on 9/11, and the United States Government owes them long-term health care, monitoring and treatment because they are victims of the attack on the United States. Al Qaeda didn't attack them individually. They attacked United States. They happen to be the individual victims.

" Secondly, they are victimized because, many of them, perhaps most of them would not have gotten sick if the Federal Government had not lied to them and if the Federal Government had not decided not to enforce the occupational safety and health laws. That too establishes a moral obligation to care for the victims of the Federal malfeasance.

" Now, that is all the first cover up. But as a result of the Mt. Sinai study, as a result of other studies that have come out all within the last year as a result of some newspaper reports, that cover up has unraveled. Almost nobody today still maintains that these people aren't sick as a result of 9/11. The only question is how best to deal with that sickness.

&Idquo; And the answer, we believe, is that the Federal Government should adopt the bill, Congress should adopt the bill that Congresswoman Maloney and I and others introduced that provides two things: one, reopen the victims compensation fund for people whose health was damaged, who weren't immediately killed, but whose lives were perhaps shortened, whose health was damaged as a result of 9/11 of the attack on our country.

" And, secondly, provide for long-term medical monitoring and treatment through the centers of excellence, through the institutions that have treated people and through a network of institutions that would be, not formed, but would be brought into a network around the country that would be fed the latest data on diagnosis and treatment. So this legislation ought to be adopted.

" Secondly, Senator Clinton and I have introduced legislation of a more immediate nature to appropriate \$1.9 billion for the next 5 years to provide for this medical monitoring and treatment in case we cannot immediately adopt the long-term legislation that Congresswoman Maloney and I have introduced. The mayor of New York estimates that the annual cost of treatment for the first responders is now about \$198 million and will increase to \$413 million in the next few years as more and more people need more and more treatment.

&Idquo; But I said there were two cover ups. The second cover up is the failure of EPA to clean up indoor contamination. When the World Trade Center collapsed, it released, as I said, thousands of tons of toxic dust and debris. Much of it settled on the ground and in the air outdoors; much of it blew in through windows and into heating vents and air conditioning vents, into buildings, all throughout Manhattan and Queens and Brooklyn and perhaps New Jersey.

&Idquo; Now, nature cleans up the outdoor air. The rain washes the toxins away. The wind blows them away. Nature does not clean up the indoor air. Only people can clean up the indoor air. Only people can clean up the residue of those toxins that are still there. And if they are not properly cleaned up, they will stay there, and they will stay there forever, poisoning people on a daily basis. And that is exactly what we have reason to believe is going on.

&Idquo; Now, the EPA said people should clean up on their own. Under the Giuliani administration, the City of New York said landlords should clean up the exterior surfaces of buildings and the public spaces in the buildings but let the tenants, individual residents, individual small business owners and large business owners, to clean up their space, without providing any help or expertise to do so. And, of course, most of these spaces were not properly cleaned.

" The EPA and New York City Department of Health put on its Web site very early on that if you came home and you saw World Trade Center dust in your apartment, clean it up with a wet mop and a wet rag. And if there is a lot of dust, if it's really thick, consider using a HEPA filter.

&Idquo; Now, this advice is illegal because the law says you may not remove or move asbestos-containing material unless you are trained and certified and licensed to do so and unless you are wearing a moon suit, proper protective equipment. OSHA, the Occupational Safety and Health Administration, ruled that all World Trade Center dust had to be presumed to be asbestos-containing material because there were thousands of tons of asbestos in the World Trade Center. We know that. So this advice said illegally move this material.

&Idquo; Now, when we had a hearing in our subcommittee, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, back in June, I inquired of Christie Todd Whitman, the former head of EPA at the time, I said, Governor Whitman, when you were administrator of EPA, if you were told that some company or some individuals who were not trained to do so were removing asbestos-containing material, what would you do?

" She said, We would certainly have arrested them.

"I said, If you were told they were disposing of that material in the garbage, in the regular garbage, what would you have done?

" We would certainly have arrested them, she said.

" But EPA and the City Department of Health put on their Web site the advice to do exactly that to every individual who saw the World Trade Center dust in their own apartment.

" So this was illegal advice, but it was also unsafe advice. It was also unsafe advice because if you remove asbestos-containing material without wearing proper respiratory protection, you are guaranteed to inhale some of that, and that's poison. That's toxic. Not to mention all the other toxins that we know were in that dust. And, also, if you are not trained properly how to do this, you are not going to do a thorough job. You may think you have cleaned your apartment or your office, but the material is still going to be in the drapes. It's still going to be in the carpets. It's still going to be in the porous wood surfaces. It's still going to be in the HVAC system. It's still going to be behind the refrigerator or the stove. And every time the baby crawls on that carpet for the next however many years, the baby is going to release some into the atmosphere and is going to inhale it. So these indoor spaces are unsafe to work or live in. And we are daily poisoning people.

" How many such spaces? Tens of apartments, hundreds of apartments, thousands of apartments, tens of thousands of apartments? We don't know. Over what geographic area does this spread? We don't know because EPA, the Federal Government, never did any proper testing.

&Idquo; Now, they say they did testing, but the EPA's own Inspector General says it was nonsense. The EPA says it did a cleanup in 2002, an indoor cleanup, on a voluntary basis of several thousand apartments. But the EPA's own Inspector General said it was a phony cleanup for any number of reasons I won't go into now. And every time that anyone qualified has looked at this, they have labeled what has been done hazardous and phony.

&Idquo; At my request, back in February and March of 2002, the EPA's ombudsman held public hearings in lower Manhattan to talk about the indoor contamination to examine this. What did the EPA do? They dismantled the ombudsman's office after telling people not to attend the hearing. The EPA Inspector General released a report in August of 2003 labeling the EPA's actions atrocious and its cleanup phony. What did the EPA do? It ignored the recommendations.

&Idquo; Under pressure from Senator Clinton and myself and others, the EPA in 2004 formed a scientific advisory panel to look into this and to advise us what ought to be done. But when the scientific advisory panel of people hand picked by the EPA started coming to the conclusions similar to what I have been stating here, what did the EPA do? Did they listen? No. They dismantled the panel and they didn't permit them to issue a report. The administration has promised us reports; we haven't seen them.

&Idquo; What has to be done? What has to be done is what the Inspector General recommended 4 years ago. What the Inspector General said was that there has to be active testing of indoor spaces, several hundred indoor spaces, in concentric circles from the World Trade Center. Why concentric circles? To see how far the contamination expanded and still exists.

" Now, the EPA, when they talked about their cleanup, they established an arbitrary line. They said, We consider that the problem is limited to lower Manhattan below Canal Street, as if there were a 30,000-foot-high wall at Canal Street blocking the plume from going north of Canal Street, as if there were a 30,000-foot wall across the East River and the Hudson River protecting New Jersey and Queens and Brooklyn. Well, I've never seen any evidence of that 30,000-foot wall. We have to assume that the toxins went in these places too. We have to find out where they went. That's why the Inspector General instructed us that we should properly inspect several hundred indoor spaces, randomly selected indoor spaces, in concentric circles from the World Trade Center to see where the contamination extended to. And it may

be that in one direction it extends three blocks and in another direction three miles. It may be, as I said, that we are talking about a few hundred apartments or tens of thousands. We don't know.

"But wherever that extended, wherever the tests in the concentric circles show that those toxins are present indoors, we must draw lines on the map, and then we must go into every single building in those geographic areas, however small or large the areas may be, and professionally clean them up. This may take several hundred million dollars; it may take several billion dollars. We won't know the extent of it until we do the testing. But as long as we don't do that testing, we have to assume, from everything we know, that hundreds, maybe thousands, maybe tens of thousands of people are being poisoned daily and will come down 10 years from now with mesothelioma, with lung cancer, asbestosis, and other dreaded diseases because they are living or working in contaminated environments.

&Idquo; And we know something else about these kinds of contaminated environments. We know the effects of the toxins are cumulative. That is to say, if you waved a magic wand tomorrow and cleaned up all the contaminated indoor spaces, a certain number of people, we don't know how many, we don't know whom, but a certain number of people, because of the failure over the last 6 years to clean up these indoor spaces, because they worked there for 6 years, are unavoidably destined to come down with these dreaded diseases because we didn't clean it up 6 years ago. But if we don't wave that magic wand, if we don't conduct a proper cleanup, then a much larger number of people will come down with lung cancer, mesothelioma, asbestosis, and so forth 10 and 15 years from now. And the liability, the tort liability, of billions, tens of billions, maybe hundreds of billions of dollars, will mount up and mount up.

&Idquo; Now, this second cover up is still covered up in the sense that the government doesn't admit the problem. On the first cover up that thousands of people are sick, almost nobody denies it anymore. We know that. The only question is what we do about it, and I spoke about that a few minutes ago. We should make sure that people are plugged into centers of excellence and networks and we should pass legislation affording them long-term health care, monitoring and services. But this problem that we still have, people who will come down with these dread diseases unnecessarily because they are being exposed on a daily basis to World Trade Center toxins that were never cleaned up, this is still not admitted by the EPA or by the Federal Government.

"Mr. Speaker, if we are going to be true to what we have said about the heroes of 9/11, if we are going to be true to what Abraham Lincoln said when he said that it is our duty to care for him who shall have borne the battle, we must do two things: We must provide for the long-term monitoring and health care by passing the bill that Carolyn and others and I introduced yesterday. We must also demand that EPA implement a proper indoor testing and cleaning program. Not a cleanup that the EPA's own scientific advisory panel says is a joke and a fraud, not a cleanup that the EPA's Inspector General says is woefully inadequate, but a proper cleanup to test buildings thoroughly, to test for all pollutants, not just for one or two, and that is not limited by arbitrary geographic boundaries in a way that allows the EPA to minimize its responsibility.

"Mr. Speaker, for the past 6 years, we have demanded that the EPA, that this administration, fulfill its legal mandate to protect the public health by telling the truth about post-9/11 air quality and by implementing a scientifically sound testing and cleanup program to address indoor contamination. They have absolutely failed on both fronts. The Federal Government has incurred a heavy moral liability because the blood of many of the people who will die early because of these diseases lies on the hands not only of the terrorists but of the administration officials who lied to the people about the conditions and therefore caused people to work in unsafe environments and who are continuing to allow people to work today in unsafe environments. If we are to be true to the survivors and the heroes of 9/11, we must learn something of this nightmare so that, God forbid, if there is a disaster, natural or manmade, we will protect the innocent rather than allowing our malfeasance and carelessness to shorten the lives of thousands of people.

" Now, when we have talked about this in the past, some people have said, and Christie Todd Whitman, the former administrator of EPA has said, the fault for all the people who are suffering and dying is the fault of the terrorists. Of course that is partially true. If the terrorists hadn't attacked us, none of these people would be sick.

"But it is the job of government and of government officials to minimize damages, to mitigate damages, to make sure that the number of people who get sick and die because of a terrorist attack is the fewest possible. Not to act in such a way that thousands of people who would have been fine had it not been for the malfeasance of government are not going to be fine. So for that it is the terrorists' fault but it is also the fault of these government officials. And that is another reason why the government has a heavy moral responsibility to clean up the indoor environment so that people stop being further exposed to the toxins so that we put a halt to further numbers of people getting sick from this. And, secondly, the government has a heavy moral responsibility to help those who have lost their jobs because they can no longer breathe, who are getting sick, who are sick, to minimize their damages by making sure that their health care is not a problem, by enacting legislation to provide for long-term health care and monitoring.

&Idquo; So I thank you for yielding to me. I hope that these rather harsh words but realistic words and absolutely truthful words will get some response from an administration that has been completely callous toward the survivors and has paid only lip service toward the survivors, and I hope that we can redeem the moral values that we all share on behalf of the Federal Government by doing the right thing in the future on this if we have not done so in the past, which we have not. "

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